



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during December 2007

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This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):

Land:

Shaw Acres Community Association, Standish, Maine. Shaw Acres Community Association ("SACA") violated provisions of Maine's *Natural Resources Protection Act* by filing a permit by rule notification and then not following permit by rule standards, dredging a great pond without first obtaining a permit from the Department, filling in and adjacent to a great pond without first obtaining a permit from the Department, and placing rip rap in and adjacent to a great pond without first obtaining a permit from the Department. Specifically, SACA dredged an area of lake bottom over two feet in depth in some places around a seasonal boat dock, removed boulders and rocks from the dredge area which were used to extend a jetty, placed rip rap on the shore, and placed approximately ten yards of sand on a beach. Following Department involvement, SACA applied for and was granted an after-the-fact permit for placement of rip rap on the shoreline. To resolve the violations, SACA agreed to implement a restoration plan previously submitted to the Department, and paid \$2,949.00 as a civil monetary penalty.

Water:

City of Ellsworth, Ellsworth, Maine. The City of Ellsworth's Water Pollution Control Facility ("Ellsworth WPCF") violated provisions of Maine's *Water Pollution Control* laws and/or the facility's waste discharge license. Ellsworth WPCF exceeded the facility's license limits for biochemical oxygen demand, total suspended solids, fecal coliform bacteria, settleable solids, and total residual chlorine. Furthermore, Ellsworth WPCF discharged incompletely treated effluent from the treatment plant, allowed untreated sanitary wastewater to bypass the treatment plant which resulted in discharges to the Union River, and allowed untreated wastewater to discharge from several pumping stations into Card Brook or the Union River. To resolve the violations, Ellsworth WPCF agreed to: submit to the Department for review and approval a high flow management plan; submit to the Department for review and approval a schedule for surveys, studies, remediation activities, and construction projects to be implemented to identify and prevent discharges of untreated or partially treated wastewater; manage additions to the sewerage system so they do not contribute to discharges of untreated or partially treated wastewater; submit to the Department for review an evaluation of the existing facility; immediately provide notice to the Department of Marine Resources of any discharge or treated or partially treated wastewater that may affect effluent quality with respect to fecal coliform bacteria; sample and test effluent when there is a bypass of the secondary treatment system exceeding 30 minutes; conduct water quality studies in the Union River; submit to the Department for review and approval a design for upgrading the facility or for the construction of a new facility; submit a complete license application for renewal or amendment of the facility's waste discharge license; and pay \$25,875.00 as a civil monetary penalty, of which \$13,000.00 is suspended pending completion of required corrective actions.